

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P-S No.470 of 2023
[Yar Muhammad v. Mst. Soofiya Rashid and two others]

Date	Order With Signature Of Judge
<div>1.For hg of CMA No.3663/23</div> <div>2.For hg of main case</div> <div>23.09.2024.</div>	

Syed Amir Shah, advocate for the petitioner.
Mr. Faisal Aziz, advocate for respondent No. 1.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Respondent No. 1 Mst. Soofiya Rashid filed a rent case in respect of residential House bearing No.762, Sector 50-A, Korangi No. 4, Karachi-East against petitioner on the grounds of personal *bona fide* need and default. Petitioner appeared through an Advocate, filed written statement but thereafter disappeared, hence the rent case was allowed and petitioner was directed to vacate the demised premises vide order dated 03.09.2020. Subsequently, petitioner appeared and filed an application under section 12(2) CPC on the ground that he is purchaser of the property and his Advocate had switched sides and favored the other side. His application was dismissed by the Rent Controller on 10.01.2023. He challenged the same before the Appellate Court by filing First Rent Appeal bearing No.12/2023, which has been dismissed by the impugned judgment dated 02.05.2023.

2. I have heard learned counsel for the parties and perused the material available on record. There are concurrent findings against the petitioner and there is no material to show that the rent order passed earlier was obtained by the respondent through misrepresentation of facts or committing fraud with the Court or by concealment of material facts.

3. Learned counsel for the petitioner submits that respondent No. 1 has failed to prove herself as a landlady and he is the owner of the property having purchased it. However, he has admitted that he has not filed a suit so far to establish his status as owner of the property nor there is any document to establish his ownership of the demised premises. I, therefore, find no illegality in the impugned judgment/order and none has been in fact pointed out by learned counsel for the petitioner to justify interference by this Court. In the circumstances, I find no merit in this petition and dismiss it along with pending application.

JUDGE

HANIF

